IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

M.A.C.A.No.28 of 2005(B)

O.P.M.V.241/1997 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA.

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APPELLANT/PETITIONER:-

THOMAS @ TOMY, S/O.JOSEPH,
RESIDING AT CHERUVALLIL HOUSE,
ILLITHODE, P.O.MALAYATTOOR.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SRI.SREEKANTH.K.R

RESPONDENTS/RESPONDENTS:-

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1. BASKAR, S/O.SENKODAN,
   RESIDING AT BHAVANI CROSS ROAD,
   SANKIRI WEST P.O., SELAM,
   TAMILNADU.

2. MARAR, S/O.PAZHANI, RESIDING AT
   KANHAPURAM P.O., CHITHODE, 165,
   SASTRI ROAD, ERODE.

3. THE ORIENTAL INSURANCE COMPANY LIMITED,
   THIRUCHAMCODE, TAMILNADU.

4. THE MANAGING DIRECTOR,
   K.S.R.T.C., THIRUVANANTHAPURAM.

5. ABRAHAM, S/O.JOSE,
   RESIDING AT PADAVILAM HOUSE,
   PUDUPPILLY, KOTTAYAM DISTRICT.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.Padmanabhan Nair,J.

M.A.C.A.No.28 of 2005-B

Dated, this the 12th day of March, 2007

JUDGMENT

The claimant who sustained injuries in a motor vehicle accident is the appellant. The petitioner was travelling in a K.S.R.T.C. bus on 5.9.1996. At about 7.15 A.M. when the vehicle reached Nellayi, a collision took place between the aforesaid K.S.R.T.C. bus and a lorry bearing registration No.TN-07/B 0997. The appellant sustained fracture at parietal region in addition to soft tissue injuries. He was taken to Medical College Hospital, Thrissur and treated as inpatient till 7.9.1996. He was discharged from that Hospital and admitted on the same day in St.Thomas Hospital, Malayatoor and treated as inpatient till 14.9.1996. He produced Exhibit A16 series of bills for an amount of Rs.9,757/-. He produced Exhibits A11 and 12 - discharge summary and medical certificate - issued from Little Flower Hospital, Ankamaly. Exhibits A11 and A12 produced by the appellant are in respect of an incident which took place in March, 2000 in which the appellant sustained injuries in another motor vehicle accident.

The Tribunal found that even some of the medical bills produced as Exhibit A16 series were in respect of the incident in which he sustained fracture to his leg in the year 2000 and not in respect of the accident which took place in 1996. Considering all aspects of the matter, the Tribunal took the income of the appellant at Rs.1,500/- per month and awarded Rs.4,500/- towards loss of earning for three months. The Tribunal awarded an amount of Rs.1,000/- as transportation expenses and Rs.8,000/- towards medical expenses, though some of the bills are not in respect of the incident in question. The appellant was awarded an amount as Rs.500/- as bystander's expenses. The Tribunal found that the appellant did not sustain any disability and there is no visible deformity at the fracture site. The Tribunal also found that there is no evidence to show that he underwent any treatment after discharge from St.Thomas Hospital, Malayattoor in connection with the injuries sustained in the accident in question. So, the Tribunal awarded Rs.6,000/- for pain and suffering and another Rs.3,000/- for loss of amenities, discomforts suffered and inconvenience caused to him. Thus, a total amount of Rs.23,000/- was awarded as compensation. The amounts

awarded are very reasonable, especially in view of the evidence adduced by the appellant. So, I do not find any reason to admit this appeal.

In the result, this appeal is dismissed *in limine.*

K.Padmanabhan Nair
Judge

vku/-